

TRANSCRIPT OF PROCEEDINGS

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

IN THE MATTER OF:

MB DOCKET NO. 04-191

SAN FRANCISCO UNIFIED SCHOOL DISTRICT

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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.

IN THE MATTER OF:

SAN FRANCISCO UNIFIED  
SCHOOL DISTRICT

MB Docket No. 04-191

For Renewal of License for  
Station KALW(FM),  
San Francisco, California

Facility ID No. 58830  
File No. BRED-19970801YA

Volume 5

Hearing Room TW A363  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Wednesday,  
June 8, 2005  
9:15 a.m.

BEFORE:

JUDGE RICHARD L. SIPPEL

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APPEARANCES:On Behalf of the San Francisco  
Unified School District:

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## ALSO PRESENT:

ANGELA MILLER, Deputy General Counsel, San Francisco  
Unified School District

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## I-N-D-E-X

WITNESSDIRECT CROSS REDIRECT RECROSS

William C. Helgeson

788

EXHIBITSDESCRIPTIONMARK RECD

EB12A

Model Program Issue

915 915

Start Time: 9:13 a.m.

Lunch: 12:00 p.m. - 1:29 p.m.

End Time: 6:02 p.m.

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P-R-O-C-E-E-D-I-N-G-S

9:13 a.m.

JUDGE SIPPEL: We're picking up where we left off yesterday. Mr. Helgeson is on the stand, and, Mr. Helgeson, do you understand that you are still under oath, sir?

THE WITNESS: Yes, sir.

JUDGE SIPPEL: Okay. Mr. Shook, you may proceed.

BY MR. SHOOK:

Q Mr. Helgeson, I'd like you to refer to your direct testimony, which is SFUSD Exhibit T-2. This is just going to provide a little background for the questions that I'm about to ask.

On page 1 of your testimony, in response to the question, "As you are aware, during the course of this proceeding regarding the renewal of KALW station license, a question has been raised about the veracity of the testimony at the deposition on September 28, 2004. Is there a general statement you would like to make in that regard?"

About two-thirds of the way down, or

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1 halfway down, in response, on page 1, at line 23, you  
2 state, among other things -- I'll begin at line 22, "I  
3 have also witnessed cycles of staff discontent  
4 regarding certain management decisions. In fact, I  
5 think it was the unhappiness of several staff members  
6 with management and the direction the station was  
7 taking that prompted the establishment of the Golden  
8 Gate Public Radio (GGPR) group that instigated the  
9 license challenge."

10 Then again, on page 7, in response to the  
11 question, "What is Golden Gate Public Radio?", you  
12 state, "I became aware of Golden Gate Public Radio  
13 (GGPR) in 1997. I think Jeff was the first to tell me  
14 that the organization was formed by Jason Lopez,  
15 Dierdre Kennedy, Mel Baker and probably others after  
16 their proposal to the Board of Education to take over  
17 the station was rebuffed. The group consisted of  
18 people who had been involved in the station in one way  
19 or another but who were by then disgruntled and  
20 unhappy with various aspects of the station management  
21 and operation or with the Board of Education."

22 Now, with that as background, did you ever

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1 talk to Dave Evans about why GGPR was established?

2 A I don't recall having a conversation with  
3 Dave Evans about GGPR and why it was established.

4 Q Did you ever talk to Jason Lopez about why  
5 GGPR was established?

6 A I never talked to Jason Lopez about why  
7 GGPR was established.

8 Q Did you ever talk to Dierdre Kennedy about  
9 why GGPR was established?

10 A I never spoke with Dierdre Kennedy about  
11 why GGPR was established.

12 Q Did you ever talk to Mel Baker about why  
13 GGPR was established?

14 A I didn't speak with Mel Baker about why  
15 GGPR was established, and he never spoke to me about  
16 it.

17 Q So what was the source of your opinion on  
18 why GGPR was established?

19 A It -- my opinion about it came out of  
20 conversations with Jeff Ramirez regarding GGPR and  
21 also with -- and that was basically, it was from a --  
22 from conversations with Jeff Ramirez in the time of

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1 the license challenge.

2 Q Did Jeff Ramirez ever relate to you that  
3 he had spoken to Dave Evans about why GGPR was  
4 established?

5 A No, I think that given that the time of  
6 the license challenge was very much the same time of  
7 Dave Evans having his accident, automobile accident  
8 that he was involved in, I don't know -- I don't --  
9 Jeff Ramirez never told me that he had had a  
10 conversation with Dave Evans about that.

11 Q Did Jeff Ramirez ever tell you that he had  
12 a conversation with Jason Lopez about why GGPR was  
13 established?

14 A Jeff Ramirez never spoke to me about any  
15 conversation he might have had with Jason Lopez about  
16 it.

17 Q Did Mr. Ramirez ever tell you that he had  
18 talked to Dierdre Kennedy about why GGPR was  
19 established?

20 A I don't remember Jeff ever telling me he  
21 had a conversation -- about any conversation he might  
22 have had with Dierdre Kennedy regarding GGPR.

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1           Q       Did Mr. Lopez ever tell you -- excuse me,  
2       did Mr. Ramirez ever tell you that he had had a  
3       conversation with Mel Baker about why GGPR was  
4       established?

5           A       I don't recall Jeff telling me about any  
6       conversations he might have had with, with Mr. Lopez  
7       about GGPR.

8           Q       Did there come a time when you became  
9       aware of a KALW(FM) task force report that discussed,  
10      among other things, the need for structural changes in  
11      the management of KALW?

12          A       The school district in, I would say, the  
13      time before Jeff arrived at the station established a,  
14      what they called a task force, a committee to analyze  
15      KALW and what future directions it should take.

16          Q       Did you have any role in that task force?

17          A       I was not a member of the task force. To  
18      the best of my knowledge, at some point I maybe was  
19      asked my opinion about certain matters by the  
20      coordinator of the task force, I think. But that's my  
21      only recollection of it.

22          Q       Do you recall what you were asked about?

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1           A       At this time I -- it was -- I don't recall  
2 what I might have been asked about KALW at the time.

3           Q       Do you recall what opinions you rendered?

4           A       At this time I really don't remember what  
5 opinions I had about whatever I was asked.

6           Q       I would like to read to you something from  
7 the July, August, September, although that's not  
8 entirely clear from this document, 1996 KALW program  
9 guide that first begins on page 279 of EB Exhibit 44,  
10 and the part that I want to read to you is from page  
11 281, is from a manager's notes.

12                   It begins, "This is my last communication  
13 as general manager. When I was appointed last June it  
14 was with the understanding that a national search  
15 would take place for this position and the search is  
16 now in progress. Serving as KALW's manager this past  
17 year has been by turns challenging, difficult,  
18 rewarding, painful, enlightening. By way of saying  
19 goodbye, herewith a summary of the major events of the  
20 past year", and then there a number of bullets.

21                   The fifth bullet reads "Task force  
22 recommendations regarding a revitalized mission and

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1 governing structure for the station. This latter is  
2 of utmost importance for the future and well being of  
3 KALW. For the first time, the station will have its  
4 own board of directors who will oversee operations,  
5 assist in fund raising and serve as watchdog, advocate  
6 and advisor in the years to come. It's a giant step  
7 forward made possible by the dedication and commitment  
8 of an 11-person task force."

9 Then it goes on from there and it's signed  
10 by Rose L. Levinson, general manager. I take it you  
11 were aware of Ms. Levinson's manager's notes at or  
12 about the time that she made them?

13 A I would have been aware of the notes at  
14 the time, yes.

15 Q Did you agree with Ms. Levinson's  
16 assessment of the importance of the task force's  
17 recommendation regarding station governance?

18 A At that time, which was -- we're looking  
19 at about 1996 there -- I was aware of the task force  
20 and I was aware that -- I was open, I believe, to --  
21 my opinion was that I was open to seeing things  
22 improve in some way. I didn't have any specific -- I

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1 don't recall at this time that I agreed with  
2 everything in the task force or even that, even that  
3 the task force had a specific plan.

4 Only that things could be improved, and I  
5 was -- I'm certainly in favor of looking at anything  
6 that might improve the station. That would -- that  
7 was as much as I signed on to, if you want to say,  
8 regarding the task force.

9 Q What things did you think could benefit  
10 from improvement? What did you have in mind?

11 A I'm, I'm pausing certainly because I don't  
12 really remember the -- it's been a while since that  
13 task force brought out its -- finished its work. I  
14 don't particularly remember being that interested or  
15 having much of an opinion about the governance of the,  
16 of the radio station, or that it should have -- these  
17 matters about its own board of directors and so on.

18 I was certainly more interested -- given  
19 my day-to-day duties as regarding the finances of the  
20 radio station, my interest probably was more in better  
21 fund- raising and development that they probably  
22 brought out as far as, as far as conclusions.

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1           Q     Did you understand there to be any  
2 relationship between a change in the governance of the  
3 station and how fundraising would work?

4           A     At the time, I didn't -- it didn't -- I  
5 didn't see that there was a, there was a, that there  
6 was a connection between the two necessarily. Just  
7 that they, the task force, focused on governance, it  
8 focused on a number of points, not necessarily that  
9 they all were connected.

10          Q     Excuse me. Did there come a time when you  
11 signed a declaration to support an opposition to the  
12 license challenge filed by Golden Gate Public Radio?

13          A     In January of 1998 I signed a declaration  
14 as part of our opposition to Golden Gate's challenge  
15 to the license that was submitted as part of that  
16 document.

17          Q     Is SFUSD Exhibit 4, page 74, a copy of  
18 that declaration?

19               MR. DUNCAN: Mr. Shook, did you say page  
20 74, is that right?

21               MR. SHOOK: Right. I think there's a  
22 second page, so it would be 74 and 75.

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1 MR. DUNCAN: Yes. Thank you.

2 JUDGE SIPPEL: Is this a SFUSD exhibit?

3 MR. DUNCAN: It is Exhibit No. 4.

4 MR. SHOOK: Pages 74 and 75.

5 THE WITNESS: Okay, I have it.

6 BY MR. SHOOK:

7 Q Could you please describe for us how the  
8 declaration came to be prepared?

9 A This was a document, as I recall, that was  
10 prepared by our attorneys at the time out of their  
11 work in preparing the response to the Golden Gate  
12 Public Radio challenge to the license.

13 Q Did a declaration come to you already  
14 completed and you were simply requested to sign it?

15 A This document -- the declaration was  
16 prepared by our attorneys and I was given it to review  
17 and then, then asked to sign it if I -- I was given  
18 the opportunity to sign it, which I did on January --  
19 in January of 1998.

20 Q Were you given a draft or simply a final  
21 version?

22 A At this time I can't recall if there was

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1 a draft of it that I reviewed and sent back with any  
2 changes. I don't recall right now.

3 Q You don't recall editing the declaration  
4 in any way?

5 A I don't have any recollection of review --  
6 of editing it in any way. I may have, but I don't  
7 recall.

8 Q I'm looking through the bills that the  
9 Sanchez Law Firm sent during the January 1998 period,  
10 and I was wondering if you could help me locate  
11 anything in here that would indicate that there was a  
12 draft that had been sent to you for any kind of  
13 editing, so I'm afraid you're going to have to look  
14 through the Exhibit 7.

15 A Okay.

16 Q If you wish, you can begin as early as  
17 page 5. And I believe the relevant material would  
18 extend through at least page 8.

19 MR. DUNCAN: Your Honor, I believe we used  
20 yours yesterday -- your Exhibit 7 yesterday. Do we  
21 have a new Exhibit 7?

22 MS. LEAVITT: We used the court

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1 reporter's.

2 MR. DUNCAN: Ah, that's what we used.

3 JUDGE SIPPEL: You're going to go through  
4 pages 5 to 7?

5 MR. SHOOK: I would just like the witness  
6 to review them and tell me whether there's anything  
7 there that can shed light on this.

8 MR. DUNCAN: Five through seven? Is that  
9 what you said?

10 MR. SHOOK: Five through eight.

11 MR. DUNCAN: Five through eight.

12 (Whereupon, the above-entitled matter went  
13 off the record at 9:33 a.m. and resumed at 9:41 a.m.)

14 JUDGE SIPPEL: Go ahead.

15 MR. SHOOK: You've had a chance to review  
16 the bills.

17 THE WITNESS: I've just looked them over,  
18 and I think this is the first time I've seen these  
19 pieces of paper, but yes, I've just reviewed them.

20 BY MR. SHOOK:

21 Q Do you have any understanding as to how  
22 this document came to be prepared in terms of the base

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1 material that was used to put it together?

2 A How it came to be prepared?

3 Q Let me put it differently. Did you have -  
4 - do you have any understanding as to whether invoices  
5 from the Sanchez Law Firm were used to put this  
6 document together?

7 A I don't -- I'm not sure how the Sanchez  
8 Law Firm puts its invoices together, but --

9 Q Didn't you testify yesterday that the  
10 Sanchez Law Firm invoices would come to you for  
11 review?

12 A Oh, yes, I did do that, yes. But this --  
13 they didn't look in this exact format. They didn't --  
14 I think there, there are -- I've seen copies of  
15 invoices, but --

16 Q Well, focusing on -- focusing first on  
17 item 2366, which appears at EB 7, page 5, it's the  
18 last item. I'll just -- I'll read it to you and then  
19 if you wish, of course, you may --

20 A Okay.

21 Q Read it over yourself. It says 1/2/1998.  
22 The user is Sanchez. Billed for a conference, and it

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1 reads "Conference with Mr. Helgeson re: item in San  
2 Francisco newspaper re: Golden Gate Public Radio", and  
3 the amount of time that Mr. Sanchez billed for is .17  
4 hours.

5 Do you recall having a telephone  
6 conversation with Mr. Sanchez on or about January 2,  
7 1998 concerning a newspaper article about Golden Gate  
8 Public Radio and a petition to deny?

9 A Well, I certainly had telephone  
10 conversations with Mr. Sanchez. I don't have any  
11 specific recollection of that particular telephone  
12 conversation.

13 Q Now, looking through the bills, the next  
14 time I see your name come up, or any reference that  
15 would likely pertain to you, isn't until S, excuse me,  
16 EB Exhibit 7, page 7, item 2609. The date is January  
17 14, 1998. The lawyer involved is Jenkins. I take it  
18 that's Susan Jenkins?

19 A I would assume that's what Jenkins is,  
20 yes.

21 Q She spent ten hours doing a variety of  
22 things, and I'll just read through what it was.

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1 "Conferences with witnesses and prepare declarations  
2 for Ramirez, Palacios, Perez, Helgeson and Moon.  
3 Prepare notes to Mr. Ramirez and Mr. Moon. Fax draft  
4 affidavits to Mr. Ramirez and Palacios. Sent fax and  
5 FedEx of declaration to Mr. Moon. Follow-up telephone  
6 conversations on contents of declarations, documents  
7 and strategy."

8 On or about January 14, 1998, did you have  
9 multiple conversations with Susan Jenkins about your  
10 declaration?

11 A Around that period of time I recall having  
12 conversations with Susan Jenkins, but I don't have  
13 specific recollection of January 14, 1998.

14 Q Did she send you a draft affidavit to  
15 review?

16 A I don't recall if she sent me a draft to  
17 review.

18 Q The next reference I see where your name  
19 comes up is item 2610. It appears on EB Exhibit 7,  
20 page 8. The date is 1/15/1998. Again it involves  
21 Susan Jenkins. Ten hours were billed. The item  
22 reads, "Finalized language of Ramirez, Palacios,

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1 Helgeson and Perez declarations and sent by FedEx to  
2 client with cover notes, legal research re:  
3 communications law issues related to opposition,  
4 discussion with Mr. Sanchez re: GGPR background and  
5 problems regarding service, drafted declaration for  
6 Mr. Sanchez, drafted portions of opposition."

7 Is your recollection that you received by,  
8 or received from the Sanchez Law Firm a final version  
9 of your declaration to sign?

10 A I do recall getting a declaration to sign  
11 -- that I was expected to -- not expected, but asked  
12 to sign. And this is -- this document here is that  
13 document that I was asked to sign, and I signed it.

14 Q Did you ever tell anyone that there was  
15 anything in the declaration that you believed needed  
16 changing?

17 A I would say that I read the document  
18 before I signed it, and nothing at that time stood out  
19 to me as something that I felt needed to be changed  
20 before I signed it. I certainly would have if, if I  
21 felt that it was incorrect.

22 Q Very good. Now, in the first two

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1 sentences of paragraph 3 of your declaration, which is  
2 SFUSD Exhibit 4, page 74, it reads as follows --

3 A Which -- I'm sorry, which paragraph again?

4 Q Three.

5 A Paragraph 3?

6 Q "I have responsibility for maintaining a  
7 four-drawer file cabinet in my work area located near  
8 my desk at KALW's office. The third drawer of that  
9 file cabinet contains KALW's public file."

10 Did you mean to suggest that at the time  
11 of the declaration you had responsibility for  
12 maintaining all four drawers of the file cabinet?

13 A What I, what I meant by this, that  
14 paragraph, I believe if you read the entire paragraph  
15 is part of that -- is, makes it a complete statement.  
16 I was setting off -- I did say in the beginning, in  
17 the first sentence of the paragraph that I maintain a  
18 four-drawer file cabinet.

19 I described -- I then went on to describe  
20 what was in one of the file cabinets -- one of the  
21 drawers -- and then I go on in that paragraph to  
22 describe the other three drawers, what is going --

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1       what is -- what was in the other three drawers of the  
2       file cabinet.

3               It was a descriptive paragraph in that  
4       sense. It didn't -- in no way was I saying I was  
5       responsible for what was in all four drawers in that  
6       paragraph. That is basically -- that's just a -- and  
7       then it goes -- of course, it goes on into the next  
8       paragraph and the next paragraph. It's really all  
9       part of the whole document. It was really to -- as a  
10      preface to what was -- what goes on in the  
11      declaration.

12             Q       I will note that the, the last sentence at  
13      paragraph 3 reads, "Only I and my supervisors have  
14      authorized access to these other three drawers." I  
15      take it the other three drawers that you're referring  
16      to there are the ones that maintain the business files  
17      of, of the station.

18             A       They may -- in those other three drawers,  
19      again, I -- the first sentence discusses the -- that  
20      it's a four-drawer file cabinet. The second sentence,  
21      what's in the third drawer.

22               Then the next sentence, what's in the

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1 other three drawers, and then I made a statement  
2 there, obviously making -- I -- then I'm saying I and  
3 my supervisors have access -- I have access and my  
4 supervisors have access to the private files in those  
5 three drawers.

6 Q Now, in terms of having authorized access  
7 to the public file drawer, who, who would have  
8 authorized access to the public file drawer?

9 A Well, I, I always assumed since it is a  
10 public file drawer that -- and I assumed, and I go on  
11 in my next -- I always assumed it was the general  
12 manager who had the responsibility for that file. And  
13 so I don't -- didn't know that there was any  
14 authorized person who was in charge of determining who  
15 had access to the public file drawer.

16 Q All right. So at the time of your  
17 declaration, did you mean to suggest that you had  
18 responsibility for maintaining the drawer that  
19 contained the station's public inspection file?

20 A That certainly was never my intent, and I  
21 think as I go on in the next paragraph there I was  
22 making -- I was discussing -- where we discussed the

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1 public file drawer, it shows that I assisted, and it  
2 was the general manager, Jeff -- I assisted Jeff  
3 Ramirez regarding the public file drawer.

4 But -- and that's the way, that was my way  
5 of certainly making note that I assumed that Jeff  
6 Ramirez was responsible for that drawer and the  
7 content of it. I think I say that in, what is it,  
8 paragraph, in paragraph 4, it says, "I am aware of and  
9 have assisted with Jeff Ramirez", I'm paraphrasing  
10 here, Jeff Ramirez's -- assisting and I was assisting  
11 general manager Jeff Ramirez.

12 Q We'll get to paragraph 4 in a bit.

13 A Okay. But in no way in paragraph 3 was I  
14 -- I was just making -- I was using paragraph 3 to  
15 distinguish between private, my private files in that,  
16 in that four-drawer file cabinet and that one drawer  
17 that I didn't consider my private files.

18 Q Now, in your direct testimony, SFUSD  
19 Exhibit T-2, page 9, one question that is posed is,  
20 "What did you mean when you said in your 1998  
21 declaration that you were responsible for maintaining  
22 the file cabinet in which the public inspection file

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1 was kept?"

2 I'll read you the entire answer. "I can't  
3 say now so many years later exactly what I meant at  
4 the time, but as I've said, the entire file cabinet  
5 was and has long been in the area of my cubicle. I  
6 used the other drawers in the cabinet occasionally and  
7 was aware that the PIF was also kept there. While the  
8 choice of words 'responsible for maintaining' were not  
9 mine, I did not object to them. I understood it to  
10 refer to the file cabinet itself, not to a specific  
11 drawer, and I assumed it related to my statement that  
12 I have not given GGPR permission to take or copy  
13 documents from the file cabinet in my area. I  
14 certainly did not mean to imply by signing the  
15 declaration that I was or had ever been responsible  
16 for keeping the PIF up to date. Ernie knew I had not  
17 been asked to do so and had not done so."

18 In the context of that answer, Ernie means  
19 Ernest Sanchez, correct?

20 A Yes, Ernie is Ernest Sanchez in that  
21 answer.

22 Q How did Mr. Sanchez know that you had not

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